

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ALABAMA
SOUTHERN DIVISION**

ARISTEDES VICTOR BALBUENA,)	
)	
Petitioner,)	
)	CIVIL ACTION NO. 09-00826-KD
vs.)	CRIMINAL NO. 07-00410-KD-B
)	
UNITED STATES OF AMERICA,)	
)	
Respondent.)	

ORDER

After due and proper consideration of all portions of this file deemed relevant to the issue raised, and there having been no objections filed, the Report and Recommendation of the Magistrate Judge made under 28 U.S.C. §636(b)(1)(B) and dated March 22, 2010, is **ADOPTED** as the opinion of this Court.

It is **ORDERED** that this action be and is hereby **DISMISSED without prejudice** for failure to prosecute and to obey the Court's Orders.

DONE this April 7, 2010.

s/ Kristi K. DuBose
KRISTI K. DuBOSE
UNITED STATES DISTRICT JUDGE